

JAN P. JOHNSON
Standing Chapter 13 Trustee
Kristen A. Koo, State Bar #230856
P. O. Box 1708
Sacramento, CA 95812-1708
(916) 492-8001
pobox1708@jpj13trustee.com

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

Case No: 10-38050-B-13J
DC No.: 16

**TRUSTEE'S OPPOSITION TO
MOTION TO CONFIRM DEBTOR'S
FIRST AMENDED CHAPTER 13 PLAN
AND COUNTER MOTION TO
CONDITIONALLY DISMISS CASE**

DATE: NOVEMBER 16, 2010
TIME: 9:32 A.M.
COURTROOM: 32

JAN P. JOHNSON, STANDING CHAPTER 13 TRUSTEE, opposes the Debtor(s)


1. The plan payment of \$1,427.47 is less than the aggregate of the trustee's fees, the

1 monthly contract installment due on Class 1 claims, the monthly payment for administrative
2 expenses and the monthly dividend for Class 1 arrearage claim as required pursuant to Section
3 5.02 of the form plan. The aggregate of these amounts is \$3,588.07. The trustee calculates that
4 the plan payment would be sufficient if the monthly payment for administrative expenses at
5 Section 5.02 is reduced from \$2,500.00 per month to \$450.00 per month.

6 2. The trustee calculates that the plan will take 56 months to complete which is 20
7 months longer than the commitment period. Filed concurrently with this opposition and marked
8 Exhibit A is a copy of the trustee's calculation showing the plan will take 53 additional months to
9 complete. Three (3) months have passed since this petition was filed.

10 WHEREFORE the movant prays that the Court enter an order denying confirmation of
11 the Debtor's Plan, and an order dismissing the case unless on or before December 7, 2010 the
12 Debtor files a new plan and all necessary and related motions, including without limitation
13 motions to value collateral and motions to avoid liens, properly serves the new plan and the
14 motion(s), and sets the motion(s) for hearing on the next available chapter 13 calendar that
15 provides proper notice for all of the motions to be heard on the same calendar. The trustee
16 consents to the Court's resolution of disputed material factual issues pursuant to FRCivP 43(c) as
17 made applicable by FRBP 9017.

18
19 Date: November 1, 2010


20 /s/ Kristen A. Koo
21 KRISTEN A. KOO, Attorney for Trustee
22
23
24